



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,430	02/27/2004	Lauric Macolino	13869.47	7003
7590 04/29/2008				
DANA L. TANGREN 1000 EAGLE GATE TOWER 60 EAST SOUTH TEMPLE SALT LAKE CITY, UT 84111				
EXAMINER				
ANDERSON, JOHN A				
ART UNIT		PAPER NUMBER		
3696				
MAIL DATE		DELIVERY MODE		
04/29/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/788,430

Applicant(s)

MACOLINO, LAURIE

Examiner

JOHN A. ANDERSON

Art Unit

3696

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Amendment

1. In the amendment filed February 4, 2008, the following has occurred. Claims 10 and 15 are amended. Claims 1-17 are pending and are examined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
3. Claims 1, 2, 4, 5, 6, 7 and 9 rejected under 35 U.S.C. 102(b) as being anticipated by Eicher Jr et al (US PG PUB 2002/0099598).
4. As regards claim 1, Eicher discloses a supply chain data management system, method and apparatus comprising:
 - a first trading entity coupled to be in communication with a server via a communications network, said first trading entry registered with said server as a participant of said system; [0035, 0057, 0063, 0065].
 - at least one second trading entity coupled to be in communication with said server via said communications network, said at least one second trading entity

registered by said first trading entity as a trading partner of said first trading entity; [0065,0115]

- a profile associated with each said trading entity, said profile specifying supply chain data to be communicated to and/or from one or more of said trading entities, each profile accessible by said server; [087]
- wherein, said server automatically requests supply chain data from at least one of said trading entities and In response to receiving said requested supply chain data, said server communicates data related to said supply chain data to one or more other trading entities in accordance with their profile.[0189]

5. As regards claim 2, Eicher discloses wherein each profile for each said second trading entity registered as a trading partner of said first trading entity is created by said first trading entity, [0017; The system also provides assistance to buyers and suppliers to select partners that best meet their profile, based on past performance history.]

6. As regards claim 4, Eicher discloses wherein each profile specifies a format of the supply chain data to be communicated to and/or from said trading entity, [0064; Message adapters may comprise the types of information that each of the partners is to send to and/or receive from the supply chain management system, the format that the message should take.]

7. As regards claim 5, Eicher discloses wherein a predetermined time limit for responding to said request for supply chain data is associated with said request, after the expiry of which, if said server has not received said requested supply chain data, a reminder is sent by said server to said trading entity from which said supply chain data was requested, [0124; The partner can change the response at anytime up until the request closes.]
8. As regards claim 6, Eicher discloses wherein said data related to said supply chain data comprises a notification that supply chain data is available via said communications network, the availability of said data to said one or more of said second trading entities being specified by said first trading entity in said profile of said second trading entities, [0090; Specifically, the buyer may select to be alerted based on inventory shortages, over-stocking and the like.]
9. As regards claim 7, Eicher discloses wherein said supply chain data is communicated by one or more of the following: email, electronic data Interchange (EDI) facsimile, [0164]. Each user has the option to have alerts delivered to their email account or via other notification mechanisms.
10. As regards claim 9, Eicher discloses wherein said server is an application server, [0023; The examiner interprets the event- monitoring server system to be

applicant's application server].

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
12. Claims 3 and 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Eicher Jr et al (US PGPUB 2002/0099598 A1) in view of Zarefoss et al (US PGPUB 2002/0138324 A1).
13. As regards claim 3, Eicher discloses server communicates data related to said supply chain data to one or more other trading entities in accordance with their profile, [0189]. Eicher does not disclose wherein said server informs said second trading entity via said communications network that

they have been registered by said first trading entity following registration of said second trading entity by said first trading entity.

Zarefoss discloses that the trading partner and its users are able to edit the contents of the component as well as grant permission for others to access the component. The system then determines whether the planning component will be shared with other trading partners. For each of the trading partners identified in step 414, a decision is made as to which version of the planning components will be accessible to the trading partner. [0065]

It would have been obvious for a person of ordinary skill in the art at the time of the invention was made to use Zarefoss in the device of Eicher. The motivation would have been to prescreen trading entities such that trading partners may be readily available when access is required, and to avoid the disclosure of private data.

14. As regards claim 8, Eicher discloses server communicates data related to said supply chain data to one or more other trading entities in accordance with their profile,[0012]. Eicher does not disclose wherein said supply chain data is one or more of the following: estimated time of manufacture (ETM), arrival time and/or date (ARR), departures time and/or date (DEP), origin, destination, trading participant identity, mode of supply, customs clearance details (CCD), purchase order (PO), estimated time of supply (ETS), pacing list (PL), shippers letter of instruction (SLI), origin pick up details (OPU), house airway bill (HAWB), bill of

lading (BOL), master airway bill (MAWB), ocean bill of lading (OBL), manifest details, freight and value (F/V) information, invoice, commercial invoice (CI), receipt of shipment (WR).

Zarefoss discloses supply chain information may include, for example, demand forecast, supply forecast, promotional forecast, purchasing order information, and the like, for any point in the supply chain and for any supply chain participant.

[0048]

It would have been obvious for a person of ordinary skill in the art at the time of the invention was made to use Zarefoss in the device of Eicher. The motivation would have been to support the business needs of a user or a trading partner.

Claim Rejections - 35 USC § 102

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
16. Claims 10, 11, 12, 14, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Ankireddipally L.N. et al (US PG PUB 2002/0116205).

17. As regards claims 10 and 15, Ankireddipally discloses a method of managing supply chain data in a system comprising a plurality of trading entities coupled to be in communication with a server via a communications network, said method comprising the steps of:
- registering a first trading entity as a participant of said system; [0084]
 - registering with said server at least one second trading entity as a trading partner of a said first trading entity, said registering performed by said first trading entity; [0087]
 - creating a profile associated with each said trading entity, each said profile specifying supply chain data to be communicated to and/or from one or more of said trading entities, each profile accessible by said server; [0057]
 - automatically requesting supply chain data from at least one of said trading entities; and in response to said server receiving said requested supply chain data, communicating data related to said supply chain data to one or more other of said trading entities in accordance with their profile.[0059]
18. As regards claims 11 and 16, Ankireddipally discloses including the step of specifying a format in which each trading entity receives said data related to said supply chain. [0065]

19. As regards claim 12, Ankireddipally discloses further including the step of said server informing said second trading entity via said communications network that they have been registered as a trading partner of said first trading entity by said first trading entity. [0085]
20. As regards claim 14, Ankireddipally disclose further including the step of said first trading entity specifying a plurality of said second trading entities sufficient to establish a complete supply chain. [0008]

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ankireddipally L.N. et al (US PG PUB 2002/0116205) in view of Eicher Jr et al (US PG PUB 2002/0099598 A1).

23. As regards claim 13 Ankireddipally discloses the steps of specifying a predetermined time limit for responding to said request for supply chain data; [0089].

Ankireddipally does not disclose sending a reminder from said server to said trading entity from which said supply chain data was requested if said server has not received said requested supply chain data after the expiry of said time limit.

Eicher Jr discloses [0112; The callback service is responsible for reminding the component that it still needs to perform the operation.]

It would have been obvious for a person of ordinary skill in the art at the time of the invention was made to use Eicher in the device of Ankireddipally. The motivation would have been to perform operations in an asynchronous manner.

24. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ankireddipally L.N. et al (US PG PUB 2002/0116205) in view of Zarefoss et al (US PG PUB 2002/0138324 A1).

As regards claim 17, Ankireddipally discloses creating a profile associated with each said trading entity, each said profile specifying supply chain data to be

communicated to and/or from one or more of said trading entities, each profile accessible by said server; [0057]

Ankireddipally does not disclose, wherein said supply chain data is one or more of the following: estimated time of manufacture (ETM), arrival time and/or date (ARR), departures time and/or date (DEP), customs clearance details (CCD), purchase order (PO), estimated time of supply (ETS), packing list (PL), shipper's letter of instruction (SLI), origin pick up details (OPU), house airway bill (HAWB), bill of lading (BOL), master airway bill (MAWB), ocean bill of lading (OBL), manifest details, freight and value (F/V) information, invoice, commercial invoice (CI), receipt of shipment (WR).

Zarefoss discloses supply chain information may include, for example, demand forecast, supply forecast, promotional forecast, purchasing order information, and the like, for any point in the supply chain and for any supply chain participant. [0048]

It would have been obvious for a person of ordinary skill in the art at the time of the invention was made to use Zarefoss in the device of Ankireddipally. The motivation would have been to provide necessary data and information to support the business needs of a user or a trading partner.

Response to Arguments

25. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

26. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **JOHN A. ANDERSON** whose telephone number is (571)270-3327. The examiner can normally be reached on Monday through Friday 8:00 to 5:00 Pm.

Art Unit: 3696

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dixon can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John A Anderson/

John A Anderson

Examiner, Art Unit 3696

Examiner

Art Unit 3696

/J. A. A./

Examiner, Art Unit 3696 4/15/2008

/Daniel S Felten/

Primary Examiner, Art Unit 3696